

**REMARKS**

Claims 1, 5, 7-13 are pending in the present application. Claims 8-12 have been allowed. The Examiner has rejected claims 1, 5 and 7, and objected to claims 8-12. Claims 1, 8, 9 and 12 have been amended, and claim 13 is new.

**Allowable Subject Matter**

Initially, Applicants thank the Examiner for indicating that claims 8-12 are allowable over the prior art.

**Claim Objections**

Applicants have amended claim 8, 9 and 12 in accordance with the Examiner's suggestions. Applicants submit that these claim amendments were made for clarification purposes, and not for reasons related to patentability. Withdrawal of this objection is respectfully requested.

**Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 5 and 7 under 35 U.S.C. § 102(b) as being anticipated by Warfield, U.S. Patent No. 5,604,160. This rejection is respectfully traversed and is further inapplicable to new claim 13 as set forth below.

Applicants submit that Warfield fails to teach or disclose lithographically forming raised ridges on a cap wafer surface so that the raised ridges are a continuous part of the cap wafer, the raised ridges formed so as to have a height extending above the cap wafer surface, as recited in amended claim 1.

Warfield discloses an edging process which forms openings in an oxide layer 14 to expose portions of a cap wafer 10 where alignment holes will be formed. See column 2, lines 55-58. Warfield further discloses etched regions illustrated in Fig. 6, which are recessive trenches etched into the surface of the cap wafer 10. See column 3, lines 20-30.

The Examiner alleges that the elevated area or mesa 28, illustrated in Fig. 6 of Warfield, is the same as the raised ridges lithographically formed on the cap wafer surface as disclosed in independent claim 1. Applicants disagree, as claim 1 recites that the raised ridges formed on the cap wafer surface are formed so as to have a height extending above the cap wafer surface. Warfield discloses etching into the surface of the cap wafer, thus creating a recess, which includes a sidewall or mesa 28 inside of the recess. See Figs. 6 and 8. The mesa 28 of the recess is then coated with glass frit to include the sidewall portion of the recess. See column 4, lines 2-10 and Fig. 7. Mesa 28 does not extend above the surface of the cap wafer.

Accordingly, for at least the reasons above, Applicants submit that claim 1, and those claims dependent thereon, are allowable over Warfield. Withdrawal of this rejection and an allowance is kindly requested.

### **35 U.S.C. § 103 Rejections**

The Examiner has rejected claims 1, 5 and 7 as being unpatentable over Kurle et al., U.S. Patent No. 6,106,735 in view of Sasaki et al., U.S. Patent No. 2002/0017862, and as being unpatentable over Warfield, U.S. Patent No. 5,604,160 in view of Sparks

et al., U.S. Patent No. 6,062,461. These rejections are respectfully traversed, and are further inapplicable to new claim 13 as set forth below.

As discussed above, independent claim 1 is allowable for the reasons cited above. None of Kurle et al., Sasaki et al. or Sparks et al. teach or suggest of forming raised ridges that have a height extending above the cap wafer surface. Thus, none of the cited references render the features cited in claim 1, and absent in Warfield obvious. Withdrawal of these rejections is respectfully requested.

### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 5 and 7-13 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

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